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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  ANTHONY De MARCO,

12                  Plaintiff,

13                  v.

14                  ANDRE ROSSI, *et al.*,

15                  Defendants.

Case No. C07-5352RJB/JKA

ORDER GRANTING  
DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT

16       The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley  
17 Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find  
18 and ORDER:

- 19       (1)      The Court adopts the Report and Recommendation;  
20       (2)      Defendant's motion for summary judgment is **GRANTED** and this case is **DISMISSED**.  
21       (3)      The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley  
22 Arnold. **This dismissal counts as a strike pursuant to 28 U.S.C. § 1915 (g).**

23       DATED this 29<sup>th</sup> day of August, 2008.

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25                  ROBERT J. BRYAN  
26                  United States District Judge  
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